

FORM 17. Informal Reply Brief

Form 17 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

INFORMAL REPLY BRIEF OF PETITIONER/APPELLANT

Case Number: 23-1984

Short Case Caption: Globokar v. NASA

Petitioner/Appellant: Mary Ann L. Globokar, pro se

Instructions: Read the [Guide for Unrepresented Parties](#) before completing this form. Answer the questions as best as you can. Attach additional pages as needed to answer the questions. This form and continuation pages may not exceed 15 pages.

You may attach other record material as an appendix. Any attached material should be referenced in answer to the below questions. Do not attach material already attached to your informal opening brief. Please redact (erase, cover, or otherwise make unreadable) social security numbers or comparable private personal identifiers that appear in any attachments you submit.

1. Have you received a copy of the respondent/appellee's response brief?

☒ Yes ☐ No

STOP: You may use this form to respond to arguments raised in the brief of respondent/appellee. If you have not received that brief, you may not file this form. **Do not proceed or file this form if you answered "No."**

2. What are your arguments in response to the respondent/appellee?

I outlined sufficient cause in my Motion of July 23, 2017 requesting MSPB to allow an additional document. My case suffered detrimental reliance on counsel who waived my right to a hearing, refused to submit my brief and withdrew himself the day prior to when my file was due to the MSPB, placing the sole burden upon me, thereafter, to research the FERS legislation. With my further investigations into FERS, I discovered that my official employment letter reflects I was hired PRIOR to January 1, 1984 when the new FERS legislation officially went into effect. Public Law 98-168, Nov. 29, 1983, Title II, Sec. 202 (6) [APPX001-008] states "that such employees and officers who are first employed...on or after January 1, 1984, become subject to such new Government retirement system...". If my legal counsel had done his due diligence with researching the FERS legislation, he likely would have asked if I had any document proving I was hired prior to the FERS start date of January 1, 1984.

FORM 17. Informal Reply Brief

Form 17 (p. 2)
July 2020

3. Are there other arguments you wish to make?
- ☒
- Yes
- ☐
- No

If yes, please state them.

My employment letter dated December 30, 1983 [APPX009] proves the Government hired me PRIOR to the FERS start date of January 1, 1984 and further supports my assertion that the Government was in the process of hiring me, as prompted by a memo from Government officials, dated May 9, 1983 [APPX010-011]. The employment letter [APPX009] confirms my oral acceptance of the appointment at some undefined point in time prior to the date of that letter, and is therefore considered an employment contract which occurred before FERS was activated. NASA Personnel has classified Entrance on Duty (EOD) as synonymous with the Date of Acceptance of civil service appointment, but in my case, it is crucial to note that my oral Date of Acceptance was prior to December 31, 1983 and my EOD date of January 9, 1984 is NOT my official hire date, but the date I was sworn in. Page 3-19 of OPM's "Guidance to Processing Personnel Actions," Chapter 3, Sub-chapter 4, 4-2/Date of Acceptance and 4-3/Entrance on Duty (EOD) explains the difference between the two actions [APPX012]. GAO Decision B-158844, April 28, 1966, established and set precedence how verbal acceptance of employment is considered as being officially hired, regardless of first date of reporting for duty and taking oath of office [APPX013-014]. My employment letter serves as an important document which confirms my verbal acceptance entering a contract for employment in the Government and proves I was hired prior to the FERS legislation start date. I respectfully request for the court to accept and recognize my employment letter [APPX009] and establish that my official hire date occurred at some point in time before the letter's date of December 30, 1983, which is well before the FERS start date of January 1, 1984.

Date: 08/22/2023Signature: /s/ Mary Ann L. Globokar, pro seName: Mary Ann L. Globokar, pro se